

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|-------------------------------------|---|-----------------|
| BIG RIVERS ELECTRIC CORPORATION |) | |
| APPLICATION FOR APPROVAL OF |) | |
| CONTRACT AMENDMENTS WITH THE CITY |) | CASE NO. 94-032 |
| OF HENDERSON AND CITY OF HENDERSON, |) | |
| UTILITY COMMISSION AND TO FILE PLAN |) | |
| FOR COMPLIANCE WITH CLEAN AIR ACT |) | |
| AND ENVIRONMENTAL SURCHARGE |) | |

O R D E R

Pursuant to KRS 278.183, Big Rivers Electric Corporation ("Big Rivers") on February 28, 1994 applied for an environmental surcharge to recover its costs of complying with the Federal Clean Air Act as amended. This surcharge is effective March 30, 1994. Big Rivers has also moved for incorporation of the record of Case Nos. 91-331,¹ 93-341,² and 93-065³ into the record of this proceeding.

After reviewing the application and being otherwise sufficiently advised, the Commission finds that:

1. Further proceedings are necessary to determine the reasonableness of the proposed environmental surcharge.

¹ A Review Pursuant to 807 KAR 5:058 of the 1991 Integrated Resource Plan of Big Rivers Electric Corporation.

² A Review Pursuant to 807 KAR 5:058 of the 1993 Integrated Resource Plan of Big Rivers Electric Corporation.

³ City of Henderson, Kentucky, City of Henderson Utility Commission, and Big Rivers Electric Corporation Application for Certificate of Public Convenience and Necessity and to File Plan for Compliance with Clean Air Act and Impose Environmental Surcharge.

2. KRS 278.183 permits use of environmental surcharge only upon Commission approval or the Commission's failure to act on a utility's application for such surcharge within six months of its filing.

3. Big Rivers' proposed environmental surcharge is not effective and may not be assessed prior to September 1, 1994 without Commission approval.

4. The records of Case Nos. 91-331, 93-341 and 93-065 should be incorporated by reference into the record of this proceeding.

IT IS THEREFORE ORDERED that:

1. Big Rivers shall not assess its proposed environmental surcharge prior to September 1, 1994.

2. The procedural schedule set forth in Appendix A to this Order shall be followed.

3. All requests for information and responses thereto shall be appropriately indexed. All responses shall include the name of the witness who will be responsible for responding to the questions related to the information provided, with copies to all parties of record and 10 copies to the Commission. All testimony, information requests, and responses to information requests shall be served on other parties by telefax or overnight express mail.

4. Big Rivers shall give notice of the hearing in accordance with the provisions set out in 807 KAR 5:011, Section 8(5). At the time publication is requested, it shall forward a duplicate of the notice and request to the Commission.

5. Motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

6. The records of Cases No. 91-331, No. 93-341 and No. 93-065 are incorporated by reference into the record of this proceeding.

7. Following completion of the scheduled hearing in this matter, the parties shall have 20 days from the filing of the hearing transcripts with the Commission in which to submit written briefs and 30 days from the filing of the hearing transcripts in which to submit reply briefs.

8. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

Done at Frankfort, Kentucky, this 17th day of March, 1994.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 94-032 DATED MARCH 17, 1994.

All supplemental requests for information to
Big Rivers shall be served no later than 03/21/94

Big Rivers shall serve responses to supplemental
requests for information no later than 04/04/94

Intervenor testimony, if any, in verified prepared
form shall be served no later than 04/18/94

All requests for information to Intervenors
shall be served no later than 05/02/94

Intervenors shall serve responses to requests
for information no later than 05/13/94

Big Rivers shall submit rebuttal testimony, if any,
in verified prepared form no later than 05/27/94

Public Hearing is to begin at 9:00 a.m., Eastern
Daylight Time, in Hearing Room 1 of the Commission's
offices at 730 Schenkel Lane, Frankfort, Kentucky,
for the purpose of cross-examination of witnesses
of Big Rivers and Intervenors 06/06/94